

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

Case No: \_\_\_\_\_

GREGORY STENSTROM, LEAH HOOPES, ROBERT MANCINI, JOY SCHWARTZ, KATHRYN BUCKLEY, SCOTT EDWIN THOMAS, ERIK KOCHER, CARRIS KOCHER, PAUL RUMLEY, JON MARIETTA, GENO GALLO, MELANIE PATTERSON, SUSANNA DEJEET, MICHAEL MILLER, BRIAN YANOVIK, FELICE FEIN, JEANNE WHITE, SEAN PATRICK CONNOLLY, ASHLEY DUFF, DARLENE SMAIL, CARRIE HAHN, RENEE MAZER, MARTY SELKER, JOHN PROCTOR CHILD, Petitioners

v.

PENNSYLVANIA SECRETARY OF THE COMMONWEALTH, Respondent.

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COMPLAINT FOR DECLARATORY JUDGMENT

I. INTRODUCTION

1. Plaintiffs bring this action seeking immediate declaratory relief under **28 U.S.C. § 2201** and **Federal Rule of Civil Procedure 57** to compel the Secretary of the Commonwealth to comply with both **federal** and **state election laws**. The Secretary's refusal to fulfill her legal obligations has created **imminent and irreparable harm** to Plaintiffs, Pennsylvania's election process, and the integrity of national election standards. Failure to comply with federal statutes and Constitutional mandates exposes the Secretary to **criminal referrals** for violations of election laws, potentially leading to federal prosecution by the **U.S. Department of Justice (DOJ)** and state prosecution by the **Pennsylvania Attorney General (PA AG)**.
2. The violations include:
  - **Failure to certify voting machines** and perform required **secure-build validation** under **52 U.S.C. § 21081** and **25 P.S. § 3031.14**.
  - **Improper distribution of mail-in ballots** to unqualified electors, in violation of **52 U.S.C. § 20511**.
  - **Obstruction of Judges of Elections (JOEs)** from conducting **hand counts** to verify machine results, as authorized by **25 P.S. § 2650**.
  - **Restrictions on poll watchers and authorized representatives** from fully observing canvassing, violating **25 P.S. §§ 2687, 3154** and the **Fourteenth Amendment**.

- **Failure to classify centralized counting centers as precincts**, preventing statutory recounts and audits, in violation of **25 P.S. §§ 2687, 3154** and **52 U.S.C. § 21081**.

## II. JURISDICTION AND VENUE

3. This Court has jurisdiction under **28 U.S.C. § 1331**, as the claims arise under **federal election statutes**, including **52 U.S.C. §§ 20511, 21081**, and the **Fourteenth Amendment**.
4. This Court has supplemental jurisdiction under **28 U.S.C. § 1367** to hear state law claims arising from the same facts and circumstances.
5. Venue is proper under **28 U.S.C. § 1391(b)(2)** because the actions and omissions by the Secretary occurred in Pennsylvania, where the Secretary oversees election laws.

## III. STANDING AND JUSTICIABILITY

6. **Standing:** Plaintiffs have standing under *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), as they have suffered **concrete, particularized, and imminent harm**, including:
  - **Learned helplessness:** As certified poll watchers and Judges of Elections, Plaintiffs are unable to fulfill their statutory duties due to the Secretary's unlawful actions.
  - **Financial harm:** Plaintiffs have incurred expenses to ensure lawful election oversight.
  - **Reputational harm:** Plaintiffs' reputations have been damaged due to their inability to exercise their roles effectively.
7. **Imminent harm:** The 2024 election is fast approaching, and without immediate judicial intervention, Plaintiffs and Pennsylvania voters will suffer irreparable harm from election process failures.
8. **Justiciability:** This case presents a purely **legal question** of statutory violations. There is no political question, and the court must act to enforce **non-discretionary ministerial duties**, as held in *Shroyer v. Thomas*, 81 A.2d 435 (Pa. 1951), and *In re Municipal Reapportionment of Twp. of Haverford*, 873 A.2d 821 (Pa. Commw. Ct. 2005).

## IV. FACTUAL ALLEGATIONS

9. **Certification Responsibility:** The Secretary of the Commonwealth, along with the Governor, is legally tasked with certifying the results of federal and state elections in Pennsylvania. Under both **federal law (52 U.S.C. § 21081)** and **state law (25 P.S. §§ 2650, 2687, 3154)**, certification is a statutory obligation that confirms the election's compliance with legal standards. The Secretary and Governor cannot avoid accountability by shifting responsibility to counties. By certifying an election result that the Secretary knows violates federal and state laws, the Secretary assumes direct accountability for an unlawful outcome and may face **criminal referrals** to the **U.S. DOJ** and **PA AG**.
10. **Federal and State Accountability:** Violations of **52 U.S.C. § 20511** and **52 U.S.C. § 21081** impose direct obligations on the Secretary to ensure election processes comply with federal law. Certification of election results represents a legal assertion that the election has been conducted in full compliance with these laws. The Secretary cannot claim ignorance or merely provide guidance to counties without facing accountability for illegal election certification.
11. **Precinct Definition and Centralized Counting Centers:** Under **25 P.S. §§ 2650, 2687**, and **52 U.S.C. § 21081**, centralized counting centers must be treated as **precincts**. As precincts, they are subject to statutory requirements, including full observation by poll watchers, recounts, and audits to verify election results. The Secretary's failure to classify these centers as precincts violates both state and federal law and undermines the transparency of the election.
12. **Marbury and Loper Rulings on Legal Obligations:** The **Supreme Court's ruling in Marbury v. Madison**, 5 U.S. (1 Cranch) 137 (1803), establishes that it is the role of the **courts to declare what the law is**. In **Loper Bright Enterprises v. Raimondo** (2023), the Court reinforced that **Chevron deference** does not allow administrative agencies to override clear statutory obligations. This applies to the Secretary's obligations under federal and state law. Any attempt to evade these obligations by claiming the role is merely advisory to counties is legally indefensible. The filing of this complaint provides the Secretary with **clear notice** of the legal duties imposed upon her and the potential consequences of noncompliance.

## V. REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

13. **Declare** that the Secretary has violated both federal and state election laws, including **52 U.S.C. §§ 20511, 21081**, and **25 P.S. §§ 2650, 2687, 3154**.
14. **Enjoin** the Secretary from certifying the election results unless and until all statutory violations are remedied, including:
  - Full certification and secure-build validation of all voting machines.
  - Restricting mail-in ballots to qualified electors.
  - Allowing Judges of Elections to conduct hand counts of ballots and confirm machine results.
  - Allowing poll watchers and authorized representatives to observe canvassing activities.
  - Classifying centralized counting centers as precincts subject to statutory recount and audit provisions.
15. **Order** that failure to comply with this declaratory judgment will result in **criminal referrals** to the **U.S. DOJ** and **PA AG** for violations of federal and state statutes governing election integrity.
16. **Grant expedited relief** and **decide the case on the briefs**, given the urgent nature of the impending election, and prevent further irreparable harm to Plaintiffs and Pennsylvania voters.
17. Grant any further relief deemed appropriate by the Court.

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**Respectfully Submitted,**

**Filed by Lead Petitioner and Primary Contact:**

**1. GREGORY STENSTROM**  
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A handwritten signature in black ink, appearing to read "Gregory Stenstrom", is written over a light blue rectangular background.

Dated: October 30th, 2024

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## VERIFICATION

I, **Gregory Stenstrom** hereby verify that I am the lead petitioner in the above-captioned matter and that the statements contained in the attached **Complaint for Declaratory Judgment, Memorandum of Law, Motion to Expedite, Exhibit List**, and supporting documents are true and correct to the best of my knowledge, information, and belief.

I understand that false statements herein are made subject to the penalties of **18 Pa.C.S. § 4904** relating to unsworn falsification to authorities.

**Date:** October 30<sup>th</sup>, 2024

A handwritten signature in black ink, reading "Gregory Stenstrom". The signature is written in a cursive style with a large, stylized "G" and "S".

**GREGORY STENSTROM**

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## **CERTIFICATE OF SERVICE**

I, Gregory Stenstrom, hereby certify that on October 30<sup>th</sup>, 2024, I served a true and correct copy of the **Complaint for Declaratory Judgment, Memorandum of Law, Motion to Expedite, Proposed Order, Exhibit List**, and supporting exhibits on the following parties:

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Pennsylvania Office of Attorney General  
Commonwealth Law Building 17th Floor  
2101 Ridge Pike  
Conshohocken, PA 19428

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This **Certificate of Service** is executed in compliance with **Rule 4** of the **Federal Rules of Civil Procedure**.